

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

Applicant's arguments filed 04/01/2008 have been fully considered but they are not persuasive. Applicant's amendment of the application to claim priority to Schiller et al. has been denied (see Petition Decision filed on 09/04/2008) and thus the rejection filed 11/29/2007 is maintained. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114.

This amendment accompanies a second renewed petition under 37 CFR 1.78(a)(3) to accept an unintentionally-delayed claim under 35 USC 120. The applicant has amended the application to claim priority to Schiller, rendering the examiner's rejections moot.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Applicant : Ilya Schiller et al.
Serial No. : 09/832,340
Filed : April 10, 2001
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Attorney's Docket No.: 19965-0004001

Please apply any charges or credits to deposit account 06-1050, reference 19965-0004001.

Respectfully submitted,

Date: _____

1/21/9



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